

SENATE BILL 60

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2004 Regular Session
4r0012

(PRE-FILED)

By: **Chairman, Education, Health, and Environmental Affairs Committee**
(By Request - Departmental - Natural Resources)

Requested: November 3, 2003

Introduced and read first time: January 14, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Natural Resources - Recreational Fishing Licenses**

3 FOR the purpose of altering the fees for certain recreational fishing licenses;
4 establishing certain annual fees for certain fishing licenses and stamps; and
5 generally relating to recreational fishing licenses.

6 BY repealing and reenacting, with amendments,
7 Article - Natural Resources
8 Section 4-604, 4-614, and 4-745
9 Annotated Code of Maryland
10 (2000 Replacement Volume and 2003 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Natural Resources**

14 4-604.

15 (a) This section provides a fund to pay the expense of protecting and managing
16 game and freshwater fish and preventing unauthorized persons from fishing or
17 attempting to fish for any game and freshwater fish without first procuring an
18 angler's license.

19 (b) (1) In this section, "resident" means a person who resides in this State on
20 the date he applies for a license.

21 (2) "Resident" includes a member of the armed forces of the United
22 States who is on active duty and stationed officially in this State.

23 (c) Any person 16 years old or older shall secure an angler's license to fish in
24 the nontidal waters of the State. An angler's license entitles the holder to fish in the
25 nontidal waters of the State only during the open season.

1 (d) An angler's license is not required of the following:

2 (1) The owner or tenant of land bordering on nontidal water, his spouse
3 and children, or the spouse of any child who resides on the land with the owner or
4 tenant when he fishes in nontidal water adjoining his land;

5 (2) Any convalescent patient of a veterans' hospital hospitalized for a
6 service connected disability who fishes in nontidal waters if the patient secures a
7 permit issued by a special service officer of the American Red Cross under authority
8 granted by the Department;

9 (3) Any group of disabled or convalescent patients organized and under
10 the care and supervision of the American Red Cross, which upon the request of the
11 American Red Cross, is authorized by the Department to fish for any recreational
12 purpose in the nontidal waters;

13 (4) Any resident serving in the armed forces of the United States, while
14 on leave in the State, during his leave period, if, while angling, he possesses a copy of
15 his official leave orders;

16 (5) Any patient who is under treatment by a State-approved mental
17 health facility, and any individual who attends or resides in a State-approved
18 retardation facility;

19 (6) A caregiver, family member, or designee of a mental health care
20 facility or private group home of a patient who is under treatment by a
21 State-approved mental health facility, provided that:

22 (i) The administrator of the mental health care facility, or treating
23 physician or psychologist provides the Department with a letter stating that the
24 caregiver or family member is the primary caretaker of the patient; or

25 (ii) The individual accompanying the patient carries a copy of the
26 letter described under subparagraph (i) of this paragraph, or a professional license or
27 certificate of a health care professional involved in the care of the patient;

28 (7) A person who fishes in nontidal waters of the State on free fishing
29 days designated by the Secretary; or

30 (8) A person holding a current resident consolidated senior sport fishing
31 license issued under § 4-216 of this title.

32 (e) A person may apply for an angler's license to any person designated by the
33 Department. The application shall be on a form the Department prepares and
34 supplies. The applicant shall fill out, sign and submit the application to the person
35 designated to issue an angler's license. A person may apply by mail.

36 (f) (1) The application shall contain the applicant's name and place of
37 residence.

1 (2) A person may not use an assumed name or an address other than the
2 person's legal place of residence or make any false statement to obtain an angler's
3 license.

4 (3) Before an angler's license may be issued, the applicant for the license
5 shall sign a statement which says: "I understand that this license does not of itself
6 permit me to fish on private property, and if I do so without permission of the owner
7 I may be subject to a fine."

8 (g) (1) The following annual license fees shall apply:

9 (i) Resident..... [~~\$10.50~~] \$14.50

10 (ii) Subject to paragraph (2)(ii) of this subsection, short-term
11 license valid for 5 consecutive days from date of issuance..... [~~\$7.50~~] \$11.50

12 (iii) Resident and nonresident blind persons No fee

13 (iv) Complimentary license No fee

14 (2) For a nonresident:

15 (i) The fee for an annual angler's license is the greater of:

16 1. [~~\$20.50~~] \$24.50; or

17 2. A fee equal to the fee charged a Maryland resident by the
18 nonresident's home state for a similar license; and

19 (ii) The fee for a short-term license valid for 5 consecutive days
20 from the date of issuance is the greater of:

21 1. [~~\$7.50~~] \$11.50; or

22 2. A fee equal to the fee charged a Maryland resident by the
23 nonresident's home state for a license that permits an equal number of days of fishing
24 or the next higher number of days as permitted by the Maryland license.

25 (iii) The fee for a short-term license valid for 3 consecutive days
26 from the date of issuance is the greater of:

27 1. [~~\$5~~] \$9; or

28 2. A fee equal to the fee charged a Maryland resident by the
29 nonresident's home state for a license that permits an equal number of days of fishing
30 or the next higher number of days as permitted by the Maryland license.

31 (3) (i) All fees collected by the Department under this section may
32 only be used in accordance with § 4-208 of this title.

1 (ii) The Department shall publicly report annually the amounts
2 collected and the expenditures under this section.

3 (h) A person designated to sell an angler's license shall issue the license and
4 collect the fee prescribed in subsection (g) of this section. The Department shall
5 furnish the licenses to the designated persons. An angler's license shall bear the
6 Secretary's facsimile signature and the countersignature of the issuing person. The
7 person who issues the license shall enter the name and address of the licensee. The
8 collected money shall be transmitted to the Department as prescribed by the
9 Department. As compensation, the agent shall retain \$1 for each license issued.

10 (i) Every angler's license shall expire on December 31 of each year following
11 the date of issuance.

12 (j) The licensee shall sign his name in ink on the license at the time of
13 purchase. The license may not be transferred to another person, nor used or
14 presented by any person other than the person to whom it was issued.

15 4-614.

16 (a) (1) Except for a holder of a current resident consolidated senior sport
17 fishing license issued under § 4-216 of this title, a person 16 years old or older may
18 not fish in any special catch-and-return trout management area and may not possess
19 trout while fishing in nontidal waters unless the person first obtains a trout stamp in
20 addition to an angler's license. [The stamp shall be obtained from any authorized
21 agent of the Department at a cost of \$5.] The Department may designate a person
22 engaged in a retail business to sell the trout stamp as an agent under the
23 Department's control and supervision. The trout stamps may be furnished to agents
24 upon consignment if the Department is given adequate security to insure ultimate
25 payment to the Department for the stamps. THE FOLLOWING ANNUAL FEE FOR THE
26 STAMP SHALL APPLY:

27	(I)	RESIDENT	\$5
28	(II)	NONRESIDENT	\$10

29 (2) The Department may sell expired stamps below face value to the
30 general public for a period of 3 years, after which time the Department shall shred
31 any unsold stamps. All revenues derived from the sale of these stamps shall revert
32 back to the game management fund.

33 (b) Any resident serving in the armed forces of the United States, while on
34 leave in the State, may fish without a trout stamp during his period of leave if he
35 possesses a copy of his official leave order while fishing.

36 (c) A person is not required to have a trout stamp to possess trout taken from:

37 (1) Any privately owned lake or pond that is stocked with trout
38 artificially propagated by commercial hatcheries or purchased from persons licensed
39 to sell fish; or

1 (2) Any fee fishing lake or pond operated under § 4-11A-20 of this title.

2 (d) The Department or any authorized agent of the Department may issue a
3 duplicate trout stamp for a fee not exceeding \$1 if a person indicates that the trout
4 stamp is lost and is on record for previously purchasing a trout stamp.

5 4-745.

6 (a) (1) Except as provided in subsections (c) and (d) of this section, a person
7 may not fish for finfish in the Chesapeake Bay or in its tributaries up to tidal
8 boundaries without first obtaining a Chesapeake Bay sport fishing license.

9 (2) The license may be obtained from the Department or from any
10 authorized agent of the Department. The following annual license fees shall apply:

11 (i) Resident..... [~~\$9~~] \$13

12 (ii) Short term license valid for 5 consecutive days from date of
13 issue [~~\$6~~] \$10

14 (iii) Nonresident [~~\$14~~] \$18

15 (iv) Resident and nonresident blind persons No fee

16 (3) Except for a license issued under subsection (d) of this section, every
17 Chesapeake Bay sport fishing license shall be valid for not more than 1 year and shall
18 expire on December 31.

19 (b) (1) The Department may designate a person engaged in a commercial
20 enterprise to sell the Chesapeake Bay sport fishing license as an agent under the
21 Department's control and supervision.

22 (2) As compensation, the agent shall retain \$1 for each license issued.

23 (3) The Chesapeake Bay sport fishing license shall be furnished to an
24 agent upon satisfactory payment or upon consignment and only if the Department is
25 given adequate security to insure ultimate payment by an agent to the Department
26 for the licenses.

27 (4) (i) Except as provided in subparagraph (ii) of this paragraph, all
28 fees collected on behalf of the Department pursuant to this section shall be remitted
29 to the Department in accordance with its rules and regulations for deposit with the
30 State Treasurer to the credit of the Fisheries Research and Development Fund to be
31 used for the replenishment, protection, and conservation of fish stocks caught by
32 recreational fishermen, for enhancement of recreational fishing opportunities, and for
33 research concerning tidal fishery resources. The Department shall publicly report
34 annually the amounts collected and the expenditures.

1 (ii) In fiscal year 1999 and in each subsequent fiscal year, the
2 Department, for the purposes set forth in subparagraph (iii) of this paragraph, shall
3 use:

- 4 1. \$2 from the sale of each license under subsection (a) of this
5 section;
- 6 2. \$20 from the sale of each license under subsection (d)(2) of
7 this section; and
- 8 3. \$225 of the special charter boat license under subsection
9 (d)(1) of this section.

10 (iii) The Department shall use the moneys specified in
11 subparagraph (ii) of this paragraph for:

- 12 1. Achieving the maximum federal fund apportionments;
- 13 2. Management assessment and sportfishing surveys; and
- 14 3. Angler outreach and public fishing information.

15 (5) In the preparation of plans for the expenditure of license receipts, the
16 Secretary annually shall solicit the advice and opinions of the Department's Sport
17 Fisheries Advisory Commission, representative fishing and boating associations, and
18 other interested parties.

19 (c) A person may fish for finfish in the Chesapeake Bay or its tidal tributaries
20 without a Chesapeake Bay sport fishing license if the person:

- 21 (1) Is under the age of 16;
- 22 (2) Possesses a valid commercial license;
- 23 (3) Is fishing from private real property as an owner, family member of
24 an owner, or nonpaying guest of an owner;
- 25 (4) Is fishing with a hook and line from a public bridge or public pier
26 which has been designated by the Department as a free fishing area;
- 27 (5) Holds a valid tidal water sport fishing license issued by the State of
28 Virginia, Potomac River Fisheries Commission, or District of Columbia, provided that
29 this exemption shall not take effect until the Secretary has published notice in the
30 Maryland Register of the Secretary's determination that the Virginia, Potomac River
31 Fisheries Commission, or District of Columbia requirements for a tidal water sport
32 fishing license are substantially similar to and reciprocal with the Chesapeake Bay
33 sport fishing license requirements of this section;
- 34 (6) Is fishing pursuant to any special license issued under subsection (d)
35 of this section;

- 1 (7) (i) Is on active duty with the armed forces of the United States;
- 2 (ii) Is a resident of this State;
- 3 (iii) Is on leave from the armed forces; and
- 4 (iv) Has, while fishing, a copy of the person's official leave orders;
- 5 (8) Fishes on a free fishing day designated by the Secretary; or
- 6 (9) Holds a current resident consolidated senior sport fishing license
7 issued under § 4-216 of this title.

8 (d) (1) The Department may provide by regulation for issuance of a special
9 charter boat license that would be valid for all individuals on a charter boat operated
10 by a licensed fishing guide. The fee shall be:

- 11 (i) For 6 fishermen or less [\$240] \$250.
- 12 (ii) For 7 or more fishermen [\$290] \$300.

13 (2) (i) The Department may provide by regulation for issuance of an
14 annual special Chesapeake Bay sport fishing license, which when permanently
15 affixed to a boat registered in any state shall authorize any person on the boat to fish
16 for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries, except
17 that such a license may not be used on a boat which has been hired to take such
18 persons fishing.

19 (ii) The annual fee for this special license FOR A RESIDENT shall be
20 \$40.

21 (iii) THE ANNUAL FEE FOR THIS SPECIAL LICENSE FOR A
22 NONRESIDENT SHALL BE \$50.

23 (IV) If a boat owner purchases the special license under this
24 paragraph, the boat owner may fish anywhere in the Chesapeake Bay, whether the
25 boat owner is fishing in the owner's boat, in another person's boat, on land, or
26 elsewhere. The Department shall issue a complimentary Chesapeake Bay sport
27 fishing license to the boat owner who purchases a special license under this
28 paragraph. If a boat to which the special license is affixed has more than one owner,
29 then only the individual applicant who signs the application for the special license
30 shall be entitled to a complimentary Chesapeake Bay sport fishing license under this
31 paragraph.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2004.